

**FARMINGTON CITY  
PLANNING COMMISSION MEETING  
April 19, 2018**

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**STUDY SESSION**

***Present:** Chair Alex Leeman, Commissioners Roger Child, Connie Deianni, Bret Gallacher, Kent Hinckley, and Rulon Homer, Community Development Director David Petersen, Associate City Planner Eric Anderson, and Recording Secretary Lara Johnson.*

**Reorder of Agenda Items**

Connie Deianni suggested moving Item #8 (Bangerter Farms) to the beginning of the agenda, as many people that will be in the audience have come to hear about that specific item. The commissioners agreed in moving Item #8 to be heard first.

**Item #3. Jared Schmidt / Symphony Homes – Requesting preliminary plat approval of the Eastridge Estates Phase II Conservation Subdivision consisting of 2 lots**

Eric Anderson said this is the preliminary plat for Phase II, but that Phase III final plat is also being presented tonight. He said the applicant thought Phase II would move quicker than it has, which is why Phase III is further ahead in the application process. He said Phase II has two lots in it, but that there have been a lot of issues to resolve due to the topography of the land. He said the applicant has resolved most of those issues.

**Item #4. Jared Schmidt / Symphony Homes – Requesting final plat approval of the Eastridge Estates Phase III Conservation Subdivision consisting of 8 lots**

Eric Anderson said Phase III is the 8 lots west of Phase I. He said there will be a road that connects to 35 East, as well as a connection to Phase I. He said when the applicant first proposed their Master Plan, Phase II and III were combined into Phase II; however, the applicant has since separated the phases. He said some of the western portion of property were constrained by wetlands, but the applicant has since delineated those wetlands. Alex Leeman asked if Lot 308 was a flag lot. Eric Anderson said yes, Lot 308 is a flag lot; it meets all the standards in the Ordinance for a flag lot. Alex Leeman said in the past, there have been concerns with storm water drainage for this subdivision. He asked if those concerns were a result of the phases not yet being completed yet. Eric Anderson said developers do not have to address the “historical flow” of water on undeveloped property; however, storm water must be addressed as the property becomes developed. Eric Anderson also said the applicant completed a project master plan so he could qualify for a Conservation Subdivision, which was previously approved. The master plan included open space for all the phases, which open space is being used for a regional detention basin near the Lagoon billboard.

**Item #5. Garrett Seely / Woodside Homes – Requesting a recommendation for general plan amendment from a DR (Development Restrictions) to an LDR (Low Density Residential) designation of 21 acres of**

Eric Anderson said the most important part of the discussion is whether or not to amend the Development Restriction (DR) line on the General Plan. He said the DR line was previously based off of

one foot above the highest elevation the lake's wave action was known to have reached, which was determined to be the 4218 line. When Jonathan Hughes came before the Planning Commission, he had Max Elliott, the County Surveyor, explain how the 4218 line was in the wrong place. When the 4218 line was established, the line was established using the wrong data points. **Eric Anderson** said when Mr. Hughes previously proposed a subdivision for his property, the Planning Commissioners wrestled with the question of whether the 4218 line was the only criteria for the DR line, or if there were other criteria to consider when looking at amending the DR line. **Eric Anderson** said **David Petersen** reviewed the City's guiding documents to determine if there were other criteria to consider with open space and the DR line; he came up with a comprehensive matrix to show other criteria that should be considered with the DR line. **Eric Anderson** said that during that meeting, it was stated that the DR line could change when the West Davis Corridor (WDC) comes in; however, it was not clarified if that meant when the road was built, or a Record of Decision for the WDC was made by UDOT.

**Eric Anderson** said that staff provided alternative motions for the Commission to consider. One motion is to approve the General Plan amendment based on the Record of Decision for the WDC as the new DR line. Another proposed motion is to deny the amendment to move the DR line until the WDC is built. The third motion is to table the item. He said tabling the item would give the City more time to consider how moving the DR line would affect the surrounding properties and the area as a whole. **David Petersen** said a Record of Decision for the WDC was made last fall, and the time for protests to be launched has finalized as well.

**Alex Leeman** asked if the condemnation valuation affects the value of property. He said he thinks the cost for the highest and best use of residential land would be higher than agricultural land. He said amending the DR may change the condemnation valuation. He feels tabling the item to consider how all the properties would be affected by moving the DR line is appropriate. The commissioners discussed how condemnation valuation could play into this property, and how moving the DR line could affect the area as a whole.

**Bret Gallacher** said he feels it is not appropriate to table an item because it is controversial, but feels tabling an item is appropriate if more information is needed. He asked if this specific item warrants a table. **Eric Anderson** said he feels it is appropriate to table an item if the commissioners are trying to weigh the pros and cons of different decisions, which may be the case with this item. **David Petersen** said tabling this item would also allow time to consider other properties that may be affected by moving the DR line. **Kent Hinckley** said he feels the property owners should take the initiative to obtain a higher appraised value of their property by requesting the DR line to be moved, like the applicant that is before the Commission. **Alex Leeman** said he feels a General Plan amendment application warrants looking at the broad scope of many properties as it is a citywide consideration to City planning. He said it just happens that someone has to file for it before it will be considered. **David Petersen** added that he does not feel tabling is a bad thing; however, multiple tablings of an item over simple things is inappropriate.

**Alex Leeman** asked for clarification on the staff report that states there is "ambiguity in the application." **Eric Anderson** said the applicant is requesting the amendment for 21 acres; however, staff assumed it would be much more since the application includes the Stoddard and Hughes properties. He said the application is unclear how many acres the applicant wants to amend the General Plan for, so seeking clarification on that item may be another compelling reason for tabling the item.

**Alex Leeman** also pointed out that the standards for a General Plan amendment, as found in the Utah Code, is to consider all things from affordable housing to wildlife, which means the governing

bodies can include just about anything that they think is a good idea. **Eric Anderson** added that the General Plan is an advisory document to plan for the City's future needs.

**Item #6. Mari Livermore & Jon Purcell / Café Torino (Public Hearing) – Applicant is requesting conditional use permit approval for a coffee shop in an existing building on .23 acres of property located at 58 N. Main Street in a BR (Business Residential) zone. (C-4-18)**

**Eric Anderson** said this is a conditional use request for Café Torino to move from the Village at Station Park to the former Aunt Addy's Cottage located on Main St. He said the biggest issue is with the Café's off-street parking requirements. As discussed in the staff report, the parking requirements could vary based on the interpretation of the code, and the use the Café would fall under for the zone. He said if the commissioners feel the Café would fall under a sit down restaurant, 12 parking spaces would be required for every 1,000 sq. ft. of building space. If it is considered a less-intensive use, the Café could be required to have 1 ½ parking spaces based on the building size. **Eric Anderson** said the determination of parking spaces will be up to the commissioners interpretation of how the Café falls under the Code. **David Petersen** also pointed that Chapter 32 of the Ordinance includes shared parking provisions.

**Roger Child** asked about the Café's business hours. **Eric Anderson** said he is unsure of their business hours. **Connie Deianni** said the Café is currently open later at the Village at Station Park to appeal to those attending the movie theater.

**Eric Anderson** said in the Ordinance, there is a provision that states that if there is a land use not listed, then a nearly similar use shall apply. He said it is up to the Planning Commission to determine which use is most similar. He also added that there is currently 4 dedicated off-street parking spots for this location located in the Davis School District administrative building parking lot. He said he does not believe parking for the Café would conflict with the Davis School District building use.

**Bret Gallacher** asked if there is a definition for intensive or less intensive uses. **Eric Anderson** said the Ordinance does not include a clear definition of the differences.

**Roger Child** asked if there are separate parking requirements for historic properties. He said he thought the building being discussed for the Café is historic. **Eric Anderson** said the Ordinance states a historic structure can have a reduction in parking approved, as part of its site development, and it is up to the Commission's discretion on what that reduction is, because a number is not listed in Chapter 32. He said there is a lot of discretion the Commission has in determining parking; but it is up to the Commission to determine if 4 off-street parking spaces is adequate or if the applicant needs to find a few more.

**Connie Deianni** had some questions considering the interior plans the applicant submitted as part of the application. **Eric Anderson** said a condition for the motion is that the applicant must apply for all applicable permits for the "conditional use," so any concerns will be addressed during the building permit process, but according to the Building Official, the provided plans will have to be modified.

**Item #8. Miscellaneous: a) Chas W. Bangerter & Son, Inc. – Applicant is requesting a recommendation for an Agriculture Preservation Area over 22.37 acres of property**

**David Petersen** walked through all that was included in the staff report for this agenda item. He reviewed the alternative motions with the Commission. He explained Farmington has a long history of protecting open space along the Wasatch Front, and that one of the only other cities to do so is Park

City. He said the City is in favor of protecting the Bangerter's farmland; however, in the Utah Code, the Agriculture Preservation Area (APA) removes some of the City's policing power, which is the part that worries the City Attorney. He explained the Bangerter's property is zoned Agriculture Estate (AE). If the APA were approved, any zone text change for the AE zone would require written approval from the landowners of the APA. He said an example of what this might look like is if someone that lives in the AE zone in another part of the City submits an application to amend the zone text regarding the setbacks for an accessory building, the City could not approve the application without consent from the Bangerter Family. The Commissioners and staff reviewed the Utah Code where this requirement is listed.

**David Petersen** said there are suggestions to work around this; however, the applicant has a vested right to the City's Ordinance at the time his application was processed. He said the work around may include approving the APA, and keeping the AE zone, but later rezoning all other AE zones in the City to AE 2 (or some other new zone).

**Rulon Homer** asked if this Utah Code requirement only applies to the other landowners around the Bangerter Family property. **David Petersen** said no, according to the City Attorney the Utah Code requires the City to obtain the Bangerter Family's approval on any zone text changes that apply to any property zoned AE within the City. **Eric Anderson** pointed out that the AE zone is the largest zone within the City.

**Alex Leeman** said the Commission has received a lot of emails regarding this item, which included that the City should approve this to stop UDOT mitigating the park. He said he felt it would be important in the meeting to clarify that this APA approval does not protect the landowner from UDOT condemnation; UDOT will make the final decision on that matter. **Roger Child** asked if there is any other alternative for the landowner. **Alex Leeman** said the APA would protect the landowner from the City's condemnation, but UDOT only has to consider alternatives, and then make reasonable efforts to minimize impacts when obtaining property. **Bret Gallacher** asked who would need this clarification. **Alex Leeman** said the residents that would be attending the meeting. He expressed concern that if UDOT stays its course, and takes part of the property for the park, then the residents may state the City ignored the residents' requests to prevent taking from happening. He said he wants the residents to know the City is in favor of protecting the property, but that approval of the APA does not prevent UDOT from taking it, if UDOT so chooses.

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## REGULAR SESSION

**Present:** Chair Alex Leeman, Commissioners Roger Child, Connie Deianni, Bret Gallacher, Kent Hinckley, and Rulon Homer, Community Development Director David Petersen, Associate City Planner Eric Anderson, and Recording Secretary Lara Johnson. Commissioner Bret Gallacher was excused.

### Item #1. Minutes

**Kent Hinckley** made a motion to approve the Minutes from the March 22, 2018 Planning Commission meetings. **Rulon Homer** seconded the motion, which was unanimously approved.

### Item #2. City Council Report

**Eric Anderson** gave a report from the City Council meeting on April 17, 2018. He said the East Brentwood Estates Subdivision Plat Amendment was approved to amend a boundary line. The Estates at Lund Lane Rezone and Schematic Plan was also approved. He said the East Park Lane Small Area Master Plan took up most of the evening for the Council. He said it was not a public hearing (the public hearing took place when the item was at the Planning Commission), and that the Council went with the Planning Commission's recommendation. **Eric Anderson** said there were multiple Summary Action Items approved, which included the Residences at Farmington Hills Plat Amendment, Ratification of an Amendment to the Mountain View Rezone Enabling Ordinance, Kaysville Boundary Adjustment Resolution of Intent, and the Brownstone Subdivision Final PUD Master Plan. **David Petersen** added that the boundary adjustment is a ½ acre parcel that abuts Kaysville, but is in Farmington. The public hearing for that item will be the first City Council meeting in June. He said the boundary adjustment is a 60-day process, and is the same process whether it is for a ½ acre parcel, or a 400 acre parcel.

### **REORDER AGENDA ITEMS**

**Alex Leeman** said he was aware that most of those attending the meeting were interested in hearing the deliberation of the Bangerter Farms Agriculture Preservation Area. He said the Ordinance requires a specific order for agenda items to be set; however, agenda items can be reordered by a motion. The commissioners felt moving that item to be heard would be beneficial for all those attending the meeting.

#### ***Motion:***

**Connie Deianni** made a motion that the Planning Commission move Item #8 (Chas Bangerter – Agriculture Preservation Area) to be heard prior to Item #3 (Jared Schmidt – Eastridge Estates Phase II Conservation Subdivision)\*. **Bret Gallacher** seconded the motion, which was unanimously approved.

\*Note, subsequent agenda items have been renumbered.

### **OTHER**

**Item #3. Miscellaneous: a) Chas W. Bangerter & Son, Inc. – Applicant is requesting a recommendation for an Agriculture Preservation Area over 22.37 acres of property located at approximately 400 South 650 West and 500 South 800 West in an AE (Agriculture Estates) zone. (M-3-18)**

**David Petersen** explained the different elements of the applicant's petition for an Agriculture Preservation Area (APA); he briefly discussed the supporting materials included in the staff report. He said as part of the process to submit for an APA, the applicant had to receive a recommendation from the Davis County Agriculture Advisory Board, which took place on April 9, 2018. He said staff feels the applicant meets the criteria for an APA.

**David Petersen** explained the alternative motions included in the staff report. The first motion is a motion for approval of an APA. He said the City has an expansive Open Space network, and works hard to maintain it. Staff feels approving the APA, if the Commission chooses to do so, would be consistent with the City's past actions. The second motion is a motion for denial of an APA. As listed in the proposed Findings for Denial, if an APA was created, the City gives up policing power, as listed in the State Code. He further explained what this means. The Bangerter's property is located within the AE zone. If the APA was created, and someone within the AE zone in the City applies for a zone text change, that person would have to obtain approval from the City, as well as the landowners of the APA. The City Attorney had concerns with this, but also suggested some ways to work around it.

**Alex Leeman** thanked staff for the information. He said he understands that residents may wonder why alternative motions have been provided. He said the Commission has asked staff to provide alternative motions on items that do not have an obvious decision. He said staff is not recommending one way or the other, but is simply giving choices to the Commission.

**Alan Bangerter**, 1290 N. 400 E., Bountiful, said he is 5<sup>th</sup> generation Bangerter to live and farm on the property. He said he also has sons that work and are supported by the farm, and that his sons and grandchildren plan to continue the family business. He said it takes a certain amount of produce to stay in business. He said when brokers like Smith's Foods or Associated Foods purchase produce from the Bangerter Farms, the brokers cut off their California supplies because Bangerter Farms has enough to supply for their needs. If Bangerter Farms does not have enough to supply for the broker's needs, the broker will not purchase anything and will not cut off their California supply as a level of protection to ensure their needs are met. **Alan Bangerter** said Bangerter Farms currently owns 90 acres, but rents additional property for a total of 110 acres of farming property in Davis County. He said it is critical for them to not lose ground in order for them to stay in business. He said he is unsure how they would stay in business if any property were lost. He said they are a farming business; they have never sold any piece of property that they've owned, but have had 30 acres taken from UDOT in the early 2000's. He said they were able to purchase 22.3 acres after the other property was taken, which has turned into viable vegetable property. He said he understands UDOT is considering mitigation of soccer fields that the City owns that will be taken with the construction of the West Davis Corridor; he hopes another alternative can work out for a location of those soccer fields. **Alan Bangerter** hopes that this is a step in order for his ground to be protected, as they will continue to remain a farming operation.

**Kent Hinckley** asked if the applicant has also requested an APA for their property in Bountiful. **Alan Bangerter** said yes, they are in the process of requested an APA for all property they own. He gave an update on where in the process each piece of property is at with the APA request. He said the request for the soccer fields mitigation brought this idea to a head, but it is something he has considered for a time. He said it's also important to remember that land can be recovered to build homes or a park; however, it cannot be recovered to grow vegetation.

**Randall Edwards**, 188 N. 100 W., Bountiful, said he has known the Bangerter families for 25 years. He said he appreciates staff and the Commission in taking the time to consider this application; he feels the staff report was well put together. He said he feels he has a sense of what the issue is here regarding the State Code; he respectfully disagrees with the City Attorney's interpretation of it. He said he believes the Utah Code refers only to land within that area. He said he believes the City could change THAT zoning of that property without the landowners consent. He said when he discussed the issue with Mr. Godfrey the previous day, they discussed creating a new zoning designation for anything else in the City with the same zone. He said regardless, he feels the Commission's decision should not be based on that concern as that is a zoning issue. He said the applicant has applied for protection on their other properties in Davis County, and have not had other concerns from other cities. He said the applicant is also aware the APA would not stop UDOT from mitigating the soccer fields to the applicant's property if UDOT so chooses, but they are confident that issue could also be resolved in the applicant's favor.

**Alex Leeman** provided a brief overview of the processes and standards that apply to applicants, based on State Code. He said this is a multi-step process, and that the Planning Commission is in the middle of that process. He said the Planning Commission makes a recommendation to the City Council, which is the legislative body and the ultimate decision maker on this matter. He said when the City Council hears this item, there will be a public hearing. He said there has been a lot of interest in this

item, and many people submitting comments regarding it. He said he hopes residents will continue to follow this item through the end of the process.

**Alex Leeman** said this is the first time Farmington has ever received a request for an APA. He said the State Code provides five criteria to consider when reviewing an APA request; however, it does not say how to apply those criteria. If an APA is approved, under State Law, there is additional protections for the landowner, including protection against the City and County condemning the property unless additional hurdles are met. **Alex Leeman** pointed out that although there are a lot of laws that apply to cities in Utah, not all restrictions similarly apply to UDOT. He said there has been a lot of conversations from the public that the City needs to approve the APA in order to stop UDOT from taking the applicant's property; however, if UDOT wants it, the City's actions will not stop UDOT from doing so. He said he hopes UDOT will not do so, but that if so, it will not be a result of the City's actions.

**Alex Leeman** said he does not see a good reason not to approve this item. He said it is common for the Commission to see residents that want to preserve other people's farms, but those residents do not have the right to preserve someone else's farm. He said in his opinion, if landowners want to preserve their own farm, great.

**Connie Deianni** said there have been a lot of coverage for this issue through emails, social media, news coverage, etc. of people wanting to protect the Bangerter's farmland. She said she appreciates all those comments and emails on this item. She said she appreciates those who care enough to speak up; she feels that is the democratic process in action. She asked that those attending do not end here; she hopes that everyone will continue to stay involved. She also said that she does not see a reason to not approve this item.

**Kent Hinckley** said the Agriculture section of the City's General Plan encourages the continuation of farming operations within the City. He feels approval of this item is an example of what was intended in the General Plan.

**Roger Child** said that he respects any property owner that wants to protect his property and continue its agricultural use. He said he supports property rights of others, and does not have an issue with approval of the APA. He added as a point of education he said he has dealt many times with agricultural land under APAs in 20+ years at his profession. He said that as part of the agricultural protection, cities do not bring system improvements to the property. He said he has seen that many years down the road when landowners choose to develop, the landowners are faced with undersized sewer and water lines, lack of stubbed streets, and more as the cities skipped those system improvements. He said these system improvements become very costly and onerous to do after the fact.

**Rulon Homer** said that when he moved to west Farmington in 1977, Mr. Bangerter was one of the only neighbors he had in the area. He said he has been a wonderful neighbor, and is a true farmer in every way. He said that he appreciates the many emails and comments that have been received in support of the APA. He feels Mr. Bangerter is a man of great stature, and works hard to maintain beautiful farming fields. He said he fully supports Mr. Bangerter and his family to remain farmers as long as they want to be.

**Motion:**

**Bret Gallacher** made a motion that the Planning Commission recommend that the City Council approve the Bangerter application for an Agriculture Protection Area (APA). **Connie Deianni** seconded the motion, which was unanimously approved.

Findings for Approval:

It meets the evaluation criteria set forth in the Bangerter petition (which petition references state code), and it is consistent with Farmington City's long history of causing the protection of open space.

**SUBDIVISION**

**Item #4. Jared Schmidt / Symphony Homes – Applicant is requesting preliminary plat approval of the Eastridge Estates Phase II Conservation Subdivision consisting of 2 lots on 3.87 acres of property located at approximately 1500 South and 200 East in an LR-F (Large Residential – Foothill) zone. (S-4-17)**

**Eric Anderson** said the applicant is here for Phase II and Phase III for the Eastridge Estates Conservation Subdivision. This item is for Phase II's preliminary plat, which consists of two lots. He said there were a lot of issues related to the topography of these parcels. The applicant is proposing a shared driveway as one parcel's grade would not allow for a driveway that meets the City's minimum driveway slope requirements. He said most of the issues raised by the DRC have been or will be resolved. Staff is recommending approval of this item.

**Russell Wilson**, 526 N. 400 W., North Salt Lake, said he is available for any questions.

**Alex Leeman** asked if a soils test or any other test has been completed. **Russell Wilson** said yes, the City required a fault line study be completed. As a result, the placement of the homes on the lots was moved out of the location of the fault line.

**Alex Leeman** asked about storm water drainage from the two lots, as well as if there will be a retaining wall next to the sidewalk frontage. **Russell Wilson** said they looked at drainage a lot on these two lots. He said the shared driveway will have a catch area that will carry the water to the curb, and then down to the detention basin. With regards to a retaining wall, the front of the properties will not need a retaining wall as it is not that steep. He said the properties get very steep above the homes.

**Roger Child** asked about the delineation of wetlands for this property. **Russell Wilson** said the delineation of wetlands took place for Phase III, which is the next item. **Eric Anderson** added that there is a spring located in this phase. **Russell Wilson** said yes, there is a spring, but that they will not be building in that area. He said the spring has been left as is.

**Alex Leeman** said that on this item, preliminary plat consideration, the Planning Commission is the final decision. He said that this decision is an administrative act to determine if the preliminary plat meets all of the City's standards. He said that it looks as though this does meet all the requirements.

***Motion:***

**Connie Deianni** made a motion that the Planning Commission approve the preliminary plat for Eastridge Estates Conservation Subdivision Phase II subject to all applicable Farmington City ordinances and development standards and the following conditions:



1. The applicant shall enter into a development agreement memorializing the approved master plan prior to final plat;
2. All off-site easements will need recorded easements prior to final plat consideration;
3. The applicant shall provide 15% open space in the regional detention basin;
4. The applicant shall conform to the standards set forth in Section 11-30-050 concurrent with final plat consideration.

**Rulon Homer** seconded the motion, which was unanimously approved.

Findings for Approval:

1. The proposed preliminary plat meets the requirements of the subdivision and zoning ordinances.
2. The open space being traded to the City for a regional detention basin is desirable because it provides a regional facility for the southeastern portion of Farmington, and the open space would not be desirable within the subdivision boundaries of Phase II.
3. The area where the regional detention basin is to go is development restricted and leaving it as open space that also benefits the City is preferable to including it as part of the subdivision design.

**Item #5. Jared Schmidt / Symphony Homes – Applicant is requesting final plat approval of the Eastridge Estates Phase III Conservation Subdivision consisting of 8 lots on 3.14 acres of property located at 35 East and 1500 South in an LR (Large Residential) zone. (S-10-17)**

**Eric Anderson** showed the vicinity map; Phase III is located directly west of Phase I. He said the applicant is seeking final plat approval for this phase. When the DRC originally reviewed Phase II, staff asked the applicant to separate the two lots (from the previous item) from the other 8 lots into a different phase. The applicant thought that the two lots in Phase II would move a lot quicker than it has, so Phase III is further along in the approval process. **Eric Anderson** said 1500 S. will daylight and meet up with 1400 S., and then the road will continue to Phase IV. He said the property does have some wetlands, which have been delineated. The final plat follows the preliminary plat identically. Staff recommends approval of this item.

**Kent Hinckley** mentioned that during the Study Session it was discussed that Lot 308 is a flat lot, and that it meets all of the City's requirements for a flag lot.

**Russell Wilson**, 526 N. 400 W., North Salt Lake, said that he is available for questions.

**Roger Child** asked if the Army Corps of Engineers required mitigation of the wetlands or if the Army Corp rule that there was not wetlands located in this phase of the development. **Russell Wilson** said a couple of delineations have been completed. The first delineation showed some wetlands; however, the delineation that was completed in the spring of last year showed the wetlands had dried up. He said there were portions of wetlands in other areas, but since that time, those other areas have been mitigated, as well as the areas around the utility outfall line that goes to the west. **Roger Child** asked what solution was agreed upon for the mitigation of those wetlands. **Russell Wilson** said purchasing wetland credits.

**Alex Leeman** said that recently, the Planning Commission was considering an application for a development south of this development. He said there were homeowners from Phase I in attendance

discussing drainage problems down 1300 S. He asked if the applicant was aware of any drainage concerns in Phase I. **Russell Wilson** said he was unaware of any drainage concerns. **Alex Leeman** asked the applicant to keep a close eye on it.

**Motion:**

**Bret Gallacher** made a motion that the Planning Commission approve the final plat for Eastridge Estates Conservation Subdivision Phase III subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The applicant shall enter into a development agreement memorializing the approved master plan prior to plat recordation;
2. The applicant shall obtain a CLOMR prior to or concurrent with plat recordation for all property within the FEMA floodplain map;
3. Any wetlands on-site shall be mitigated prior to plat recordation;
4. All off-site easements will need recorded easements prior to plat recordation;
5. The applicant shall provide 15% open space offsite in the regional detention basin.

**Rulon Homer** seconded the motion, which was unanimously approved.

Findings for Approval:

1. The proposed final plat meets the requirements of the subdivision and zoning ordinances.
2. The wetlands on-site have preliminary jurisdictional determination from the US Army Corp of Engineers, and Phase III is not impacted by the delineation.
3. The open space being traded to the City for a regional detention basin is desirable because it provides a regional facility for the southeastern portion of Farmington, and the open space would not be desirable within the subdivision boundaries of Phase III.
4. The area where the regional detention basin is to go is development restricted and leaving it as open space that also benefits the City is preferable to including it as part of the subdivision design.

**GENERAL PLAN AMENDMENT**

**Item #6. Garrett Seely / Woodside Homes (Public Hearing) – Applicant is requesting a recommendation for general plan amendment from a DR (Development Restrictions) to an LDR (Low Density Residential) designation of 21 acres of property located at approximately 600 South and 1525 West in an AA (Agricultural Very Low Density) zone. (MP-2-18)**

**Eric Anderson** said in 2016, Jonathan Hughes and Ivory Homes came before the Planning Commission requesting a General Plan amendment. They had first requested a rezone, but the Commission felt it was more important to first do a General Plan amendment due to the Development Restriction (DR) line located on the property. The DR line was adopted in 1993, and it is based on the 4218 elevation line, which is 1 foot above the highest recorded wave action of the Great Salt Lake, which has an elevation of 4217. When Jonathan Hughes came before the Commission, he had Max Elliott, the County Surveyor, also attend. Max Elliott explained the placement of the 4218 line should be located further west as the current location of the 4218 line was based on incorrect datum points used by the County at the time.

**Eric Anderson** said the Planning Commission discussed if the DR line should be moved since the 4218 line is not in the right location. The question came up at that time if the 4218 line is the only criteria to determine where the DR line should be located. He said **David Petersen** went through the General Plan to determine all criteria for why the DR line is located where it is; he created a matrix of the 16 criterion that he found included in the General Plan. The Planning Commission determined there was more that went into the DR line than just the location of the 4218 line, so Mr. Hughes request was recommended for denial. Mr. Hughes then pulled his application prior to going before the City Council.

**Eric Anderson** said the applicant for this item is Woodside Homes, and the development includes the Stoddard and Hughes' properties. He said what has changed since the last time this was before the Commission is that UDOT has issued a record of decision for the West Davis Corridor (WDC). When Mr. Hughes was previously before the Commission, the commissioners told the applicant at that time that when the WDC comes in, that would be when a new DR line may be considered; however, that directive was never clear on whether that meant a record of decision for the WDC, or the actual construction of the road. He said it is up to the Commission to determine what the previous Commission meant for that directive.

**Eric Anderson** said staff provided 3 alternative motions. He said the Commission can table the item to allow for more time to look at amending all areas that would be affected by moving the DR line, and to seek clarification on the total number of acres included in the application. The second motion is to deny the possible General Plan amendment because the Commission chooses not to consider moving the DR line until the WDC is built. The third motion is to approve the General Plan amendment because the record of decision is a compelling enough reason to change the location of the DR line for these properties.

**Garrett Seely**, 367 E. 280 S., Alpine, representative from Woodside Homes, said there was miscommunication regarding the acres included in the application, as UDOT has already purchased some of the Stoddard property. Staff, the Commission and Mr. Seely discussed clarification of what the correct acreage should be included on the application. **Garrett Seely** said that he is most interested in knowing where they can develop.

**Kent Hinckley** asked the applicant how he felt about tabling the item so he can get the correct acreage included on the application, and so that staff can look at amending the DR line for other properties that may be affected by its movement. **Garrett Seely** said that he is happy to have the item tabled, but requested that he be put on the next meeting.

**Alex Leeman** said that during the Study Session, it was discussed that the Commission may be uncomfortable making a General Plan amendment that only applies to one or two parcels. He said it was discussed how the WDC coming in would create a natural barrier for a new DR line. He said he likes the idea of considering all parcels affected by the possible change; however, he does not want to delay the current application in order to do so. **David Petersen** said the notice can be posted in time.

**Bret Gallacher** said that he is not ready to make a decision on this item with the confusion regarding the exact property that should be included on the application. He feels tabling the item until the next meeting would be appropriate.

**Connie Deianni** said she does not feel any property owners affected by the DR would not want it removed. She said she does not want to delay the applicant, but if staff were able to make the posting requirements, she would like to consider the amendment for the whole area. **David Petersen** also noted that if there were not enough time to make the posting for the area as a whole, the Commission

could consider this application at the next meeting, and the City could apply for a General Plan amendment to move the DR line for the other affected parcels at a different time.

**Alex Leeman** said he feels tabling the item would be appropriate.

**Alex Leeman opened the public hearing at 8:18 p.m.**

**Richard Conover**, 469 Quail Run, said he does not care one way or another if the DR line is moved; however, he feels there is a lot of concern with the WDC, and other changes in the community, among residents. He feels amending the General Plan now without proper notice could cause many people to be upset. **Alex Leeman** clarified that tabling this item would allow anyone that would be impacted by the change to be included and aware of it. **Alex Leeman** said one of the reasons he is in favor of tabling the item is to consider the General Plan amendment on a broad basis to determine if the WDC could be the new DR line. He feels considering the DR line with respects to the WDC on a broad basis would actually help. **David Petersen** also clarified that what is being discussed is just the General Plan. Things like open space, buffers, and so much more is considered at different stages in the process, but not at the General Plan level.

**Alex Leeman closed the public hearing at 8:23 p.m.**

**Kent Hinckley** said he feels the nature of the General Plan is to look at the broad area and not just one single parcel.

**Garrett Seely** said that he is comfortable clarifying his application, but would then like to move forward as soon as possible.

**Motion:**

**Kent Hinckley** made a motion that the Planning Commission table the item to give the City more time to look into the possibility of amending all areas designated as DR on the General Plan affected by the Record of Decision for the West Davis Corridor, and to give the applicant time to amend his application to reflect the correct amount of acreage sought for General Plan amendment. **Connie Deianni** seconded the motion, which was unanimously approved.

**CONDITIONAL USE PERMIT**

**Item #7. Mari Livermore & Jon Purcell / Café Torino (Public Hearing) – Applicant is requesting conditional use permit approval for a coffee shop in an existing building on .23 acres of property located at 58 N. Main Street in a BR (Business Residential) zone. (C-4-18)**

**Eric Anderson** that this application is for a café in the building previously occupied by Aunt Addy's business. The applicant currently has a storefront in the Village at Station Park. He said the only outstanding issue is for parking requirements, as discussed in the Study Session. He said there are three sections within the Code that allows the Planning Commission flexibility with regards to parking requirements, which include flexible parking standards for historic structures and shared use parking with other buildings. The Commission has discretion on determining how these requirements are applied in this situation. **Eric Anderson** reviewed the plans submitted by the applicant. He also added that an agreement is already in place for this building's designated 4 off-street parking spaces located in the parking lot for the Davis County School District administrative building. He said it is up to the Commission to determine if those 4 off-street parking spaces are adequate for the Café's use.

**Alex Leeman opened the public hearing at 8:28 p.m.**

No comments received.

**Alex Leeman closed the public hearing at 8:28 p.m.**

**Alex Leeman** said the parking issues with this item were discussed more in depth in the Study Session. He asked the Commission if there were any concerns regarding it. **Connie Deianni** said she feels 4 off-street parking spaces, and the on-street parking in the area, is adequate for this use. She said she feels the location of this Café will attract a lot of walking traffic from the office buildings. **Alex Leeman** agreed, he feels this use will attract a steady stream of people, but may not have a specific rush hour. **Kent Hinckley** said the plans submitted by the applicant shows approximately 5 tables. He feels it will not attract a lot of people that are planning to come and stay for long periods.

The applicant was not present; however, the commissioners did not have any questions or concerns regarding this item's approval.

***Motion:***

**Connie Deianni** made a motion that the Planning Commission approve the conditional use subject to all applicable Farmington City ordinances and development standards, and the following conditions:

1. The applicant shall provide a minimum of 4 off-site parking spaces;
2. The applicant must obtain all other applicable permits for the operation of conditional use including but not limited to a business license from Farmington City, all health department regulations and all applicable building codes.

**Rulon Homer** seconded the motion, which was unanimously approved.

**Findings for Approval:**

1. The proposed use is low impact, and will fit in well with the neighborhood.
2. The proposed use is a good example of adaptive reuse of an existing historic building.
3. The proposed use is compatible with the Davis School District offices, and the abutting parking lot is compatible and will provide ample off-street parking to the café.
4. The proposed use of the particular location is necessary and desirable and provides a service which contributes to the general well-being of the community.
5. The proposed use complies with all regulations and conditions in the Farmington City Zoning Ordinance for this particular use.
6. The proposed use conforms to the goals, policies, and principles of the Comprehensive General Plan.
7. The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing neighborhoods.
8. The location provides or will provide adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation.
9. The proposed use is not detrimental to the health, safety, and general welfare of persons residing or working in the vicinity.

## TEMPORARY USE PERMIT

**Item #8. Samuel Webster / Hokulia Shave Ice (Public Hearing) – Applicant is requesting temporary use permit approval for a shaved ice operation in the Shepard Crossing parking lot which consists of 2.5 acres of property located at 1050 West Shepard Lane in a C (Commercial) zone. (TU-2-18)**

**Eric Anderson** showed the proposed location. He said some of the conditions to the motion are “boiler-plate” conditions for a temporary use permit. He reviewed those conditions. He said the applicant still has to apply for a business license. He said there have been similar stands in the past; this use is a very low impact use.

**Sam Webster**, 1418 S. 1000 W., Woods Cross, said he is a franchisee of Hokulia Shaved Ice. He said he is excited to come to Farmington, as there has been a demand for it in the last several years. He said they are opened seasonally from April to the end of September. He said the parent company started in Provo less than 10 years ago. Farr’s Ice Cream discovered it, and purchased the rights to it. He said he personally owns 5 locations, and is always receiving a lot of positive feedback. He said his other locations are in Kaysville, Layton, Bountiful, and Salt Lake City.

**Connie Deianni** said that Farmington winds can do a lot of damage. She expressed concern about the Hawaiian décor on the outside of the stand. She asked how quickly things would be replaced or fixed, if needed. **Sam Webster** said the “shacks” are well constructed and have lived through many windstorms. He said he replaces aspects of the shacks seasonally, but if there was any damage, he would replace it within a week or two. He said he wants to maintain of high standard of how the shacks look, as a damaged shack would hurt their business.

**Sam Webster** said one thing that is different with this application is that the landlord is refinishing the parking lot, so there will be a small delay in the shack’s opening.

**Alex Leeman** opened the public hearing at 8:40 p.m.

No comments were received.

**Alex Leeman** closed the public hearing at 8:40 p.m.

**Alex Leeman** said they have reviewed and included specific conditions. He said temporary uses are like conditional uses, but are reviewed seasonally.

**Kent Hinckley** said Condition #2 includes business hours, but he is unsure if that condition will matter. He said if the business chooses to stay open, due to its location, it would not affect anyone around it. **Alex Leeman** asked about the shack’s normal business hours. **Sam Webster** said normal business hours are 12:00 p.m. to 10 p.m. He said if there is high traffic, then they will stay open a little later. **Connie Deianni** asked if the shack is open 7 days a week. **Sam Webster** said they are open Monday thru Saturday. **Alex Leeman** agreed that Condition #2 does not need to be included with this location as the shack is located in a very commercialized area.

**Connie Deianni** expressed concern that there is a lot of parking already in use from Burt Brothers, and other locations, where the shack will be located. She asked if that will cause a problem. **Alex Leeman** feels that there is adequate parking in the near vicinity, if needs be. **Sam Webster** added that they prefer to be in locations that have joint customers between businesses. He said they work

well with the employees and customers of those businesses. **Bret Gallacher** said that he knows employees of Mr. Webster's Kaysville location; those employees speak very highly of Mr. Webster and his operation.

***Motion:***

**Kent Hinckley** made a motion that the Planning Commission approve the temporary use subject to all applicable Farmington City ordinances and development standards, and the following conditions:

1. The use terminates no later than October 1, 2018;
2. The applicant must obtain all other applicable permits for the operation of the temporary use including but not limited to a business license from Farmington City, all health department regulations and all applicable building codes.

**Roger Child** seconded the motion, which was unanimously approved.

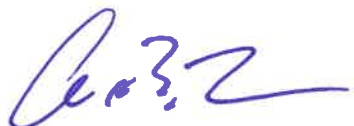
**Findings for Approval:**

1. The proposed use of the particular location is necessary and desirable and provides a service, which contributes to the general well-being of the community.
2. The proposed use complies with all regulations and conditions in the Farmington City Zoning Ordinance for this particular use.
3. The proposed use conforms to the goals, policies, and principles of the Comprehensive General Plan.
4. The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing neighborhoods.
5. The location provides or will provide adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation.
6. The proposed use is not detrimental to the health, safety, and general welfare of persons residing or working in the vicinity.

**ADJOURNMENT**

***Motion:***

At 8:48 p.m., **Rulon Homer** made a motion to adjourn the meeting, which was unanimously approved.



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**Alex Leeman**  
Chair, Farmington City Planning Commission